

Circuit Court for Anne Arundel County  
Case No: 02-K-11-001952

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1263

September Term, 2019

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CRAIG S. BROOKS

v.

STATE OF MARYLAND

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Arthur,  
Beachley,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 2, 2020

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2012, Craig S. Brooks, appellant, appeared in the Circuit Court for Anne Arundel County and pled guilty to first-degree assault and was sentenced as a repeat offender to 25 years’ imprisonment, to be served without parole eligibility.<sup>1</sup> In 2019, Mr. Brooks filed a motion to correct an illegal sentence in which he asserted that his sentence was illegal because the State had not filed a timely notice of its intent to seek an enhanced penalty. The circuit court denied the motion, without a hearing. Mr. Brooks appeals that ruling. We shall affirm the judgment.

In *Bailey v. State*, 464 Md. 685, 697 (2019), the Court of Appeals held that “the imposition of a sentence enhancement despite the State’s failure to timely serve the notice for the enhanced sentence does not qualify as an illegal sentence pursuant to Maryland Rule 4-345(a).” Moreover, the circuit court found that, at the plea hearing, Mr. Brooks acknowledged that he was facing a mandatory sentence of 25 years’ imprisonment without parole.<sup>2</sup> Hence, his sentence is legal.

Mr. Brooks also asserts that the circuit court erred in failing to hold a hearing on his motion. A hearing, however, was not required and, therefore, the circuit court did not err in ruling without convening a hearing. *Scott v. State*, 379 Md. 170, 191 (2004) (Rule 4-345(a) “does not require a hearing in open court.”).

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<sup>1</sup> The first-degree assault conviction was Mr. Brooks’ third conviction for a crime of violence, thus qualifying him for a mandatory sentence of not less than 25 years imprisonment without the possibility of parole pursuant to Md. Code, Criminal Law Article, § 14-101(c).

<sup>2</sup> The transcript of the plea hearing is not in the record before us.

Finally, Mr. Brooks seems to maintain that his defense counsel was ineffective for failing to object to the imposition of a mandatory sentence. An ineffective assistance of counsel claim, however, is not the proper subject of a Rule 4-345(a) motion to correct an illegal sentence. *Brightwell v. State*, 223 Md. App. 481, 488 n.3 (2015) (“a motion to correct an illegal sentence is not the appropriate mechanism through which to claim ineffective assistance of counsel”).

**JUDGMENT OF THE CIRCUIT COURT  
FOR ANNE ARUNDEL COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**